

UNITED STATES DISTRICT COURT

for the

WESTERN DISTRICT OF NEW YORK

-----X
JESSE JAMES,

Plaintiff,

- Against -

CASE NUMBER

DANIEL MARTUSCELLO III,

Defendant 1;

ANTHONY ANNUNCI,

Defendant 2;

LETITIA JAMES,

Defendant 3;

CAROL MOORE,

Defendant 4;

CHRISTOPHER YEHL,

Defendant 5;

MR. WHITE,

Defendant 6;

MS. BRADY,

Defendant 7;

LT. DIEHL,

Defendant 8;

SGT JOHNSON,

Defendant 9;

24-CV-00168-JLS

-----x
SGT. BUSTER,

Defendant 10;

SGT. JONES,

Defendant 11;

SGT. MACK,

Defendant 12;

SGT. MARCUS,

Defendant 13;

SGT. PRICE,

Defendant 14;

SGT. SMITH,

Defendant 15;

C.O. REID,

Defendant 16;

JANE DOE (1),

Defendant 17;

JANE DOE (2),

Defendant 18;

Ms. S. RODRIGUEZ,

Defendant 19;

JOHN DOE (1),

Defendant 20;

JOHN DOE (2),

Defendant 21;

-----X
JOHN DOE (3),

Defendant 22;

JOHN DOE (4),

Defendant 23;

JOHN DOE (5),

Defendant 24;

ERNEST LOWERRE,

Defendant 25;

THOMAS DELMAR,

Defendant 26;

DANYELLE HODGES,

Defendant 27;

PAMELA WYCKOFF,

Defendant 28;

CHRISTINA HILL,

Defendant 29;

MARC McGRATH,

Defendant 30;

JAMES BICCOM,

Defendant 31;

DAVID BEDIENT,

Defendant 32;

JAMES CONGER,

Defendant 33;

-----X
SGT. J. LEWIS,

Defendant 34;

SGT. H,

Defendant 35;

DANIELLE FREEMAN,

Defendant 36;

JADE DOE(3),

Defendant 37;

JADE DOE(4),

Defendant 38;

JOHN DOE (6),

Defendant 39;

JOHN DOE (7),

Defendant 40;

JOHN DOE (8),

Defendant 41;

JOHN DOE (9),

Defendant 42;

JOHN DOE (10),

Defendant 43;

DANIELLE SEEHAS,

Defendant 44;

AMY CARR,

Defendant 45;

-----X
KRISTEN SALOTTI,

DEFENDANT 46.
-----X

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

I. THE PARTIES TO THIS COMPLAINT

A. THE PLAINTIFF

NAME: JESSE JAMES
DIN No.: 16-A-2985
INSTITUTION: FIVE POINTS CORRECTIONAL FACILITY
ADDRESS: STATE ROUTE 96, P.O. BOX 119
ROMULUS, NEW YORK 14541

B. THE DEFENDANTS

DEFENDANT No. 1

NAME: DANIEL MARTUSCELLO III
JOB/TITLE: ACTING COMMISSIONER
EMPLOYER: DEPARTMENT OF CORRECTIONS
ADD COMMUNITY SUPERVISION
ADDRESS: 1220 WASHINGTON AVENUE

BUILDING 2

ALBANY, NEW YORK 12226-2050

☒ INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANT NO. 2

NAME: ANTHONY ANNUCCI

JOB/TITLE: FORMER ACTING COMMISSIDNER

EMPLOYER: DEPARTMENT OF CORRECTIONS

ADD COMMUNITY SUPERVISION

ADDRESS: 1220 WASHINGTON AVENUE

BUILDING 2

ALBANY, NEW YORK 12226-2050

☒ INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANT NO. 3

NAME: LITITIA JAMES

JOB/TITLE: NEW YORK ATTORNEY GENERAL

EMPLOYER: NEW YORK GOVERNOR

ADDRESS: DEPARTMENT OF LAW

THE CAPITOL

ALBANY, NEW YORK 12224-0341

☒ INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANT No. 4

NAME: CAROL MOORES
JOB/TITLE: CHIEF MEDICAL OFFICER
EMPLOYER: DEPARTMENT OF CORRECTIONS
ADD COMMUNITY SUPERVISION
ADDRESS: 1220 WASHINGTON AVENUE
BUILDING 2
ALBANY, NEW YORK 12226-2050

☒ INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANT No. 5

NAME: CHRISTOPHER YEHL
JOB/TITLE: SUPERINTENDENT
EMPLOYER: DEPARTMENT OF CORRECTIONS
ADD COMMUNITY SUPERVISION
ADDRESS: WERDE CORRECTIONAL FACILITY
3040 WERDE ROAD
ALDEN, NEW YORK 14004-1187

☒ INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANT No. 6

NAME: MR. WHITE
JOB/TITLE: FIRST DEPUTY SUPERINTENDENT
EMPLOYER: DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
ADDRESS: WENDE CORRECTIONAL FACILITY
3040 WENDE ROAD
ALDEN, NEW YORK 14004 - 1187

☒ INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANT No. 7

NAME: MS. BRADY
JOB/TITLE: MHU THERAPIST
EMPLOYER: DEPARTMENT AND CORRECTIONS
AND COMMUNITY SUPERVISION
ADDRESS: WENDE CORRECTIONAL FACILITY
3040 WENDE ROAD
ALDEN, NEW YORK 14004 - 1187

☒ INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANT No. 8.

NAME: LT. DIEHL
JOB/TITLE:
EMPLOYER: DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
ADDRESS: WENDE CORRECTIONAL FACILITY
3040 WENDE ROAD
ALBEN, NEW YORK 14004-11B7

☒ INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANT NO. 9

NAME: SGT. JOHNSON
JOB/TITLE:
EMPLOYER: DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
ADDRESS: WENDE CORRECTIONAL FACILITY
3040 WENDE ROAD
ALBEN, NEW YORK 14004-11B7

☒ INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANT NO. 10

NAME: SGT. BUSTER

JOB/TITLE:

EMPLOYER:

DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION

ADDRESS:

WENDE CORRECTIONAL FACILITY
3040 WENDE ROAD
ALDEN, NEW YORK 14004-1187

☒ INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANT NO. 11

NAME:

SGT. JONES

JOB/TITLE:

EMPLOYER:

DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION

ADDRESS:

WENDE CORRECTIONAL FACILITY
3040 WENDE ROAD
ALDEN, NEW YORK 14004-1187

☒ INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANT NO. 12

NAME:

SGT. MACK

JOB/TITLE:

EMPLOYER: DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION

ADDRESS: WENDE CORRECTIONAL FACILITY
3040 WENDE ROAD
ALDEN, NEW YORK 14004-1187

☒ INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANT NO. 13

NAME: SGT. MARCUS

JOB/TITLE:

EMPLOYER: DEPARTMENT OF CORRECTIONAL
AND COMMUNITY SUPERVISION

ADDRESS: WENDE CORRECTIONAL FACILITY
3040 WENDE ROAD
ALDEN, NEW YORK 14004-1187

☒ INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANT NO. 14

NAME: SGT. PRICE

JOB/TITLE:

EMPLOYER: DEPARTMENT OF CORRECTIONS

ADD COMMUNITY SUPERVISION
ADDRESS: WENDE CORRECTIONAL FACILITY
3040 WENDE ROAD
ALDEN, NEW YORK 14004-1187

☒ INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANT NO. 15

NAME: SGT. SMITH
JOB/TITLE:
EMPLOYER: DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
ADDRESS: WENDE CORRECTIONAL FACILITY
3040 WENDE ROAD
ALDEN, NEW YORK 14004-1187

☒ INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANT NO. 16

NAME: C.O. REID
JOB/TITLE: CORRECTION OFFICER
EMPLOYER: DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION

ADDRESS: WENDE CORRECTIONAL FACILITY
3040 WENDE ROAD
ALDEN, NEW YORK 14004-1187

☒ INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANT NO. 17

NAME: JANE DOE (1)
JOB/TITLE: CORRECTION OFFICER
EMPLOYER: DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
ADDRESS: WENDE CORRECTIONAL FACILITY
3040 WENDE ROAD
ALDEN, NEW YORK 14004-1187

☒ INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANT NO. 18

NAME: JANE DOE (2)
JOB/TITLE: CORRECTION OFFICER
EMPLOYER: DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
ADDRESS: WENDE CORRECTIONAL FACILITY

3040 WENDE ROAD

ALDEN, NEW YORK 14004-1187

☒ INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANT NO. 19

NAME: MS. S. RODRIGUEZ

JOB/TITLE: NURSE

EMPLOYER: DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION

ADDRESS: WENDE CORRECTIONAL FACILITY
3040 WENDE ROAD
ALDEN, NEW YORK 14004-1187

☒ INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANT NO. 20

NAME: JOHN DOE (1)

JOB/TITLE: CORRECTION OFFICER

EMPLOYER: DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION

ADDRESS: WENDE CORRECTIONAL FACILITY
3040 WENDE ROAD

ALDEN, NEW YORK 14004-1187

☒ INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANT No. 21

NAME: JOHN DOE (2)
JOB/TITLE: CORRECTION OFFICER
EMPLOYER: DEPARTMENT OF CORRECTIONS
ADD COMMUNITY SUPERVISION
ADDRESS: WENDE CORRECTIONAL FACILITY
3040 WENDE ROAD
ALDEN, NEW YORK 14004-1187

☒ INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANT No. 22

NAME: JOHN DOE (3)
JOB/TITLE: CORRECTION OFFICER
EMPLOYER: DEPARTMENT OF CORRECTIONS
ADD COMMUNITY SUPERVISION
ADDRESS: WENDE CORRECTIONAL FACILITY
3040 WENDE ROAD
ALDEN, NEW YORK 14004-1187

☒ INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANT NO. 23

NAME: JOHN DOE (4)
JOB/TITLE: CORRECTIONS OFFICER
EMPLOYER: DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
ADDRESS: WENDE CORRECTIONAL FACILITY
3040 WENDE ROAD
ALDEN, NEW YORK 14004-1187

☒ INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANT NO. 24

NAME: JOHN DOE (5)
JOB/TITLE: CORRECTION OFFICER
EMPLOYER: DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
ADDRESS: WENDE CORRECTIONAL FACILITY
3040 WENDE ROAD
ALDEN, NEW YORK 14004-1187

☒ INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANT NO. 25

NAME: ERNEST LOWERRE
JOB/TITLE: SUPERINTENDENT
EMPLOYER: DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
ADDRESS: FIVE POINTS CORRECTIONAL FACILITY
6600 STATE ROUTE 96, CALLER BOX 400
ROMULUS, NEW YORK 14541

☒ INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANT NO. 26

NAME: THOMAS DELMAR
JOB/TITLE: DEPUTY SUPERINTENDENT OF SECURITY
EMPLOYER: DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
ADDRESS: FIVE POINTS CORRECTIONAL FACILITY
6600 STATE ROUTE 96, CALLER BOX 400
ROMULUS, NEW YORK 14541

☒ INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANT NO. 27

NAME: DANYELLE HODGES
JOB/TITLE: FIRST DEPUTY SUPERINTENDENT
EMPLOYER: DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
ADDRESS: FIVE POINTS CORRECTIONAL FACILITY
6600 STATE ROUTE 96, CALLER BOX 400
ROMULUS, NEW YORK 14541

☒ INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANT NO. 28

NAME: PAMELA WYCKOFF
JOB/TITLE: DEPUTY SUPERINTENDENT ADMINISTRATION
EMPLOYER: DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
ADDRESS: FIVE POINTS CORRECTIONAL FACILITY
6600 STATE ROUTE 96, CALLER BOX 400
ROMULUS, NEW YORK 14541

☒ INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANT NO. 29

NAME: CHRISTINA HILL

JOB/TITLE: DEPUTY SUPERINTENDENT PROGRAMS
EMPLOYER: DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
ADDRESS: FIVE POINTS CORRECTIONAL FACILITY
6600 STATE ROUTE 96, CALLER BOX 400
ROMULUS, NEW YORK 14541

☒ INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANT NO. 30

NAME: MARC MCGRAIN
JOB/TITLE: CAPTAIN
EMPLOYER: DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
ADDRESS: FIVE POINTS CORRECTIONAL FACILITY
6600 STATE ROUTE 96, CALLER BOX 400
ROMULUS, NEW YORK 14541

☒ INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANT NO. 31

NAME: JASON BICCHIA
JOB/TITLE:

EMPLOYER: DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
ADDRESS: FIVE POINTS CORRECTIONAL FACILITY
6600 STATE ROUTE 96, CARRIER BOX 400
ROMULUS, NEW YORK 14541

☒ INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANT No. 32

NAME: DAVID BEDIENT
JOB/TITLE:
EMPLOYER: DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
ADDRESS: FIVE POINTS CORRECTIONAL FACILITY
6600 STATE ROUTE 96, CARRIER BOX 400
ROMULUS, NEW YORK 14541

☒ INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANT No. 33

NAME: JAMES CONGER
JOB/TITLE:
EMPLOYER: DEPARTMENT OF CORRECTIONS

ADDRESS: AND COMMUNITY SUPERVISION
FIVE POINTS CORRECTIONAL FACILITY
6600 STATE ROUTE 96, CALLER BOX 400
ROMULUS, NEW YORK 14541

☒ INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANT NO. 34

NAME: J. LEWIS

JOB/TITLE:

EMPLOYER: DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION

ADDRESS: FIVE POINTS CORRECTIONAL FACILITY
6600 STATE ROUTE 96, CALLER BOX 400
ROMULUS, NEW YORK 14541

☒ INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANT NO. 35

NAME: H.

JOB/TITLE:

EMPLOYER: DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION

ADDRESS: FIVE POINTS CORRECTIONAL FACILITY
6600 STATE ROUTE 96, CALLER BOX 400
ROMULUS, NEW YORK 14541

☒ INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANT NO. 36

NAME: DANIELLE FREEMAN
JOB/TITLE: CORRECTION OFFICER
EMPLOYER: DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
ADDRESS: FIVE POINTS CORRECTIONAL FACILITY
6600 STATE ROUTE 96, CALLER BOX 400
ROMULUS, NEW YORK 14541

☒ INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANT NO. 37

NAME: JADE DUE (3)
JOB/TITLE: CORRECTIONS OFFICER
EMPLOYER: DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
ADDRESS: FIVE POINTS CORRECTIONAL FACILITY

6600 STATE ROUTE 96, CALLER BOX 400
ROMULUS, NEW YORK 14541

☒ INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANT NO. 38

NAME: JANE DOE (4)
JOB/TITLE: CORRECTION OFFICER
EMPLOYER: DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
ADDRESS: FIVE POINTS CORRECTIONAL FACILITY
6600 STATE ROUTE 96, CALLER BOX 400
ROMULUS, NEW YORK 14541

☒ INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANT NO. 39

NAME: JOHN DOE (6)
JOB/TITLE: CORRECTION OFFICER
EMPLOYER: DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
ADDRESS: FIVE POINTS CORRECTIONAL FACILITY
6600 STATE ROUTE 96, CALLER BOX 400

Romulus, New York 14541

☒ INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANT NO. 40

NAME: JOHN DOE (7)
JOB/TITLE: CORRECTION OFFICER
EMPLOYER: DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
ADDRESS: FIVE POINTS CORRECTIONAL FACILITY
6600 STATE ROUTE 96, CALLER BOX 400
Romulus, New York 14541

☒ INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANT NO. 41

NAME: JOHN DOE (8)
JOB/TITLE: CORRECTION OFFICER
EMPLOYER: DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
ADDRESS: FIVE POINTS CORRECTIONAL FACILITY
6600 STATE ROUTE 96, CALLER BOX 400
Romulus, New York 14541

☒ INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANT NO. 42

NAME:

JOHN DOE (9)

JOB/TITLE:

CORRECTION OFFICER

EMPLOYER:

DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION

ADDRESS:

FIVE POINTS CORRECTIONAL FACILITY
6600 STATE ROUTE 96, CALLER BOX 400
ROMULUS, NEW YORK 14541

☒ INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANT NO. 43

NAME:

JOHN DOE (10)

JOB/TITLE:

CORRECTION OFFICER

EMPLOYER:

DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION

ADDRESS:

FIVE POINTS CORRECTIONAL FACILITY
6600 STATE ROUTE 96, CALLER BOX 400
ROMULUS, NEW YORK 14541

☒ INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANT NO. 44

NAME:

DANIELLE SEEHAS

JOB/TITLE:

COUNSELOR

EMPLOYER:

DEPARTMENT OF CORRECTIONS

AND COMMUNITY SUPERVISION

ADDRESS:

FIVE POINTS CORRECTIONAL FACILITY

6600 STATE ROUTE 96, CALLER BOX 400

ROMULUS, NEW YORK 14541

☒ INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANT NO. 45

NAME:

AMY CARR

JOB/TITLE:

NURSE

EMPLOYER:

DEPARTMENT OF CORRECTIONS

AND COMMUNITY SUPERVISION

ADDRESS:

FIVE POINTS CORRECTIONAL FACILITY

6600 STATE ROUTE 96, CALLER BOX 400

ROMULUS, NEW YORK 14541

☒ INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANT NO. 46

NAME: KRISTEN SALOTTI
SUB(TITLE): FORMER NURSE PRACTITIONER
EMPLOYER: DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
ADDRESS: FIVE POINTS CORRECTIONAL FACILITY
4600 STATE ROUTE 96, CALLER BOX 400
ROMULUS, NEW YORK 14541

☒ INDIVIDUAL AND OFFICIAL CAPACITY

II. BASIS FOR JURISDICTION

UNDER 42 U.S.C. § 1983, YOU MAY SUE STATE OR LOCAL
OFFICIALS FOR THE "DEPRIVATION OF ANY RIGHTS,
PRIVILEGES, OR IMMUNITIES SECURED BY THE CONSTITUTION
AND FEDERAL LAWS."

A. ARE YOU BRINGING SUIT AGAINST:

☐ FEDERAL OFFICIALS (A BEVENS CLAIM)

☒ STATE OR LOCAL OFFICIALS (A § 1983 CLAIM)

B. SECTION 1983 ALLOWS CLAIMS ALLEGING THE
"DEPRIVATION OF ANY RIGHTS, PRIVILEGES, OR

IMMUNITIES SECURED BY THE CONSTITUTION AND FEDERAL LAWS." 42 U.S.C. § 1983. IF YOU ARE SUING UNDER SECTION 1983, WHAT FEDERAL CONSTITUTIONAL OR STATUTORY RIGHTS, DO YOU CLAIM ARE BEING VIOLATED BY STATE OR LOCAL OFFICIALS?

THE CONSTITUTIONAL AND/OR STATUTORY RIGHTS THAT ARE BEING VIOLATED ARE, THE SIXTH; EIGHTH; AND FOURTEENTH AMENDMENTS OF THE UNITED STATES CONSTITUTION, AS WELL AS PENAL LAW VIOLATIONS.

C. SECTION 1983 ALLOWS DEFENDANTS TO BE FOUND LIABLE ONLY WHEN THEY HAVE ACTED "UNDER COLOR OF ANY STATUTE, ORDIANCE, REGULATION, CUSTOM, OR USAGE, OF ANY STATE OR TERRITORY OR THE DISTRICT OF COLUMBIA." 42 U.S.C. § 1983. IF YOU ARE SUING UNDER SECTION 1983, EXPLAIN HOW EACH DEFENDANT ACTED UNDER COLOR OF STATE OR LOCAL LAW?

1. DEFENDANT NO. 1; ACTED UNDER THE COLOR OF STATE OR LOCAL LAW, WHEN THE PLAINTIFF SENT THE DEFENDANT NUMEROUS LETTERS ABOUT BEING SEXUALLY ABUSED, AND ALMOST RAPED; AND DEFENDANT DID NOTHING.

2. DEFENDANT NO. 2; THE FORMER ACTING COMMISSIONER,

ACTED UNDER THE COLOR OF STATE OR LOCAL LAW, WHEN THE PLAINTIFF SENT NUMEROUS LETTERS TO THE DEFENDANT, WITHOUT HAVING ANY JUSTICE DONE.

3. DEFENDANT NO. 3; ACTED UNDER THE COLOR OF STATE OR LOCAL LAW, WHEN THE PLAINTIFF SENT NUMEROUS LETTERS TO THE DEFENDANT, AND THE PLAINTIFF RECEIVED ONE RESPONSE, THAT STATED, "BASED ON THE INFORMATION PROVIDED, YOUR SUBMISSION INVOLVES AN AGENCY THAT FAILS OUTSIDE OUR JURISDICTION!"
4. DEFENDANT NO. 4; ACTED UNDER THE COLOR OF STATE OR LOCAL LAW, WHEN THE PLAINTIFF SENT NUMEROUS LETTERS, COMPLAINING THAT THE MEDICAL STAFF AT FIVE POINTS, IS COVERING UP THE SEXUAL ABUSE, THREATS; AND SEXUAL HARASSMENT, FOR OFFICERS.
5. DEFENDANT NO. 5; ACTED UNDER THE COLOR OF STATE OR LOCAL LAW, WHEN THE PLAINTIFF SENT THE DEFENDANT NUMEROUS LETTERS, INFORMING DEFENDANT THAT ALL OFFICERS' ARE DENYING THE PLAINTIFF TO BE CHECKED OUT BY MEDICAL, AFTER A SEXUAL ASSAULT AND ATTEMPTED RAPE, UNTIL FOUR (4) MONTHS AFTER THE INCIDENT, AND AFTER A PREA COMPLAINT.

6. DEFENDANT NO. 6; ACTED UNDER THE COLOR OF STATE OR LOCAL LAW, WHEN THE PLAINTIFF SENT NUMEROUS LETTERS TO THE DEFENDANT, ABOUT THE SEXUAL ASSAULT AND ATTEMPTED RAPE; THAT WENT UNANSWERED AND IGNORED.
7. DEFENDANT NO. 7; ACTED UNDER THE COLOR OF STATE OR LOCAL LAW, WHEN THE PLAINTIFF SENT NUMEROUS LETTERS TO DEFENDANT, COMPLAINING THAT PLAINTIFF WAS IN FEAR OF HIS LIFE, AND VERY DEPRESSED, DUE TO BEING SEXUALLY ASSAULTED, AND THAT MEDICAL SEEMED TO BE COVERING EVERYTHING UP, AND NEVER RESPONDED.
8. DEFENDANT NO. 8; ACTED UNDER THE COLOR OF STATE OR LOCAL LAW, WHEN THE PLAINTIFF SENT LETTERS TO DEFENDANT ABOUT THE SEXUAL ASSAULT, THREATS, AND SEXUAL HARASSMENT; AND DEFENDANT JOINED IN WITH THE OFFICERS' IN THE SHU, WHEN HE MADE HIS ROUNDS, DENYING PLAINTIFF ANY JUSTICE.
9. DEFENDANT NO. 9; ACTED UNDER THE COLOR OF STATE OR LOCAL LAW, WHEN THE DEFENDANT TOOK PART IN ATTEMPTING TO RAPE, AND SEXUALLY ASSAULTED THE PLAINTIFF.

10. DEFENDANT NO. 10; ACTED UNDER THE COLOR OF STATE OR LOCAL LAW; WHEN DEFENDANT INFORMED THE PLAINTIFF, "IF LETTERS CONTINUE TO GO OUT TO THE SUPERINTENDENT; COMMISSIONER; OR ATTORNEY'S, WHAT WILL HAPPEN TO YOU WILL BE TEN(10) TIMES WORSE THAN WHAT SET JONES DID TO YOU!"
11. DEFENDANT NO. 11; ACTED UNDER THE COLOR OF STATE OR LOCAL LAW; WHEN DEFENDANT SEXUALLY ASSAULTED AND ATTEMPTED TO RAPE THE PLAINTIFF.
12. DEFENDANT NO. 12; ACTED UNDER THE COLOR OF STATE OR LOCAL LAW; WHEN DEFENDANT TOLD THE PLAINTIFF TO "SUCK HIS DICK," AND THAT PLAINTIFF WOULD BE RAPED IF LETTERS CONTINUED TO BE SENT TO THE ADMINISTRATION. DEFENDANT WOULD ALSO BLOW KISSES AT THE PLAINTIFF, EVERY TIME HE MADE ROUNDS.
13. DEFENDANT NO. 13; ACTED UNDER THE COLOR OF STATE OR LOCAL LAW; WHEN DEFENDANT ENCOURAGED SHU OFFICERS TO READ LETTERS OVER THE INTERCOM, THAT PLAINTIFF SENT OUT, TO HIS ATTORNEY; DEFENDANT ALSO INFORMED THE PLAINTIFF THAT, "MUCH MORE WILL BE DONE TO YOU SOON."

14. DEFENDANT NO. 14; ACTED UNDER THE COLOR OF STATE OR LOCAL LAW; WHEN DEFENDANT ENCOURAGED SHU OFFICERS' TO READ ALL LETTERS OVER THE INTERCOM, THAT PLAINTIFF WAS MAILING OUT.
15. DEFENDANT NO. 15; ACTED UNDER THE COLOR OF STATE OR LOCAL LAW; WHEN DEFENDANT ENCOURAGED SHU OFFICERS' TO THREATEN THE PLAINTIFF WITH BODILY HARM, AND WITH THREATS OF RAPE.
16. DEFENDANT NO. 16; ACTED UNDER THE COLOR OF STATE AND LOCAL LAW; WHEN THE DEFENDANT INFORMED THE PLAINTIFF, "IF YOU CONTINUE TO SEND OUT LETTERS TO THE SUPERINTENDENT AND OTHERS," THE DEFENDANT WOULD "HAVE THE OTHER SHU INMATES DO BODILY HARM, AND WHATEVER ELSE THEY WISHED TO DO" TO THE PLAINTIFF.
17. DEFENDANT NO. 17 AND DEFENDANT NO. 18; ACTED UNDER THE COLOR OF STATE OR LOCAL LAW; WHEN BOTH DEFENDANTS TOLD THE PLAINTIFF THAT, "YOU CAN SUCK OUR BLOODY PUSSEYS," AND THAT "IF YOU RAT ON ANOTHER OFFICER, PLAINTIFF WOULD BE FACING CRIMINAL CHARGES, FOR ATTEMPTING TO RAPE BOTH DEFENDANTS."

18. DEFENDANT NO. 19; ACTED UNDER THE COLOR OF STATE OR LOCAL LAW; WHEN DEFENDANT SET-UP THE PLAINTIFF, AND SENDING THE PLAINTIFF TO SHU, WHEN DEFENDANT DID WHAT SGT. JONES TOLD DEFENDANT TO DO.
- A. DEFENDANT NO. 20; ACTED UNDER THE COLOR OF STATE OR LOCAL LAW, WHEN DEFENDANT TOLD THE PLAINTIFF TO "SUCK HIS DICK!" ALSO, DEFENDANT GOT ON THE PA INTERCOM, TELLING THE REST OF THE SHU INMATES, THAT PLAINTIFF WAS A "RAT", AND BEGAN READING PLAINTIFF'S TESTIMONY FROM A CIVIL RIGHTS CASE, WHERE PLAINTIFF WAS A KEY WITNESS.
20. DEFENDANT NO. 21; ACTED UNDER THE COLOR OF STATE OR LOCAL LAW; WHEN DEFENDANT WENT BETWEEN THE CATWALK AND PLAINTIFF'S CELL, AND SPRAYED PEPPER SPRAY INTO PLAINTIFF'S CELL THROUGH THE WALL JACK; CAUSING THE PLAINTIFF TO COUGH UP BLOOD, AND HAVE DIFFICULTY BREATHING.
21. DEFENDANT NO. 22; ACTED UNDER THE COLOR OF STATE OR LOCAL LAW; WHEN THE DEFENDANT TOLD

Plaintiff that SEEING that the Plaintiff wants to SEND OUT LETTERS to the Superintendent, And the Commissioner; then "the Superintendent, the Commissioner, And the Plaintiff, Can Suck Defendants Dick!"

22. DEFENDANT No. 23; ACTED UNDER THE COLOR OF STATE OR LOCAL LAW; WHEN THE DEFENDANT REFUSED to NOTIFY MEDICAL, that Plaintiff was having Difficulty BREATHING AND Coughing UP blood; DUE to the PEPPER SPRAY that WAS SPRAYED into the Plaintiff's CELL.

23. DEFENDANT No. 24; ACTED UNDER THE COLOR OF STATE OR LOCAL LAW; WHEN THE DEFENDANT THREATENED to SEXUALLY ABUSE AND RAPE the FEMALE WORKERS that MAKE ROUNDS in the SHU; AND DEFENDANT informs Plaintiff, "you will be BLAMED for it!"

24. DEFENDANT No. 25; ACTED UNDER THE COLOR OF STATE OR LOCAL LAW; WHEN THE DEFENDANT DID NOTHING About Plaintiff's complaints, About

OFFICERS' TALKING ABOUT PLAINTIFF'S CONFIDENTIAL MEDICAL FILE, THAT THE PLAINTIFF WAS SEXUALLY ASSAULTED AND ALMOST RAPED, BY SERGENTS AND OFFICERS AT THE WENDE CORRECTIONAL FACILITY. DEFENDANT ALSO REFUSED TO RESPOND TO ANY OF PLAINTIFF'S LETTERS.

25. DEFENDANT NO. 26; ACTED UNDER THE COLOR OF STATE OR LOCAL LAW; WHEN THE DEFENDANT SENT LIEUTENANTS TO INTERVIEW THE PLAINTIFF; AND ALLOWED THE LIEUTENANTS TO COVER-UP WHATEVER THE PLAINTIFF COMPLAINED ABOUT.

26. DEFENDANT NO. 27; ACTED UNDER THE COLOR OF STATE OR LOCAL LAW; WHEN DEFENDANT, AFTER HAVING PLAINTIFF'S LETTERS SENT TO THE DEFENDANT FROM THE SUPERINTENDENT, THIS DEFENDANT REFUSED TO SPEAK TO THE PLAINTIFF ABOUT THE SEXUAL HARASSMENT AND THREATS THAT PLAINTIFF IS EXPERIENCING.

27. DEFENDANT NO. 28; ACTED UNDER THE COLOR OF STATE OR LOCAL LAW; WHEN THE DEFENDANT FAILED TO INQUIRE INTO THE PLAINTIFF'S COMPLAINTS.

28. DEFENDANT NO. 29, ACTED UNDER THE COLOR OF STATE OR LOCAL LAW, WHEN THE DEFENDANT INFORMED THE PLAINTIFF THAT DEFENDANT WOULD LOOK INTO THE LEGAL MAIL BEING TAMPERED WITH, BUT, DEFENDANT REFUSED TO DO ANY INVESTIGATION INTO THE PLAINTIFF'S CLAIMS OF SEXUAL HARASSMENT AND THREATS.

29. DEFENDANT NO. 30, ACTED UNDER THE COLOR OF STATE OR LOCAL LAW, WHEN DEFENDANT REFUSED TO REPLY TO THE PLAINTIFF, ABOUT PLAINTIFF'S CONCERNS THAT PLAINTIFF IS BEING TARGETED, FOR BEING A KEY WITNESS IN A CIVIL RIGHTS CASE, THAT SENT AN OFFICER TO PRISON FOR 30 YEARS; AND PLAINTIFF SENT NUMEROUS LETTERS ASKING THE DEFENDANT FOR HELP, BUT, THE LETTERS WENT UNANSWERED.

30. DEFENDANT NO. 31, ACTED UNDER THE COLOR OF STATE OR LOCAL LAW, WHEN THE PLAINTIFF STOPPED THE DEFENDANT IN THE CORRIDOR, TO SPEAK ABOUT ALL THE VILE THINGS THAT ARE BEING SAID AND DONE BY THESE OFFICERS; AND THE DEFENDANT REPLIED, "I KNOW ALL ABOUT YOU BEING SEXUALLY ASSAULTED. IF YOU CONTINUE TO SEND LETTERS -

KNOW THIS - YOU WILL NOT SURVIVE THE NIGHT,
IF THE DEFENDANT HEARS ANYTHING MORE ABOUT
THE PLAINTIFF'S SEXUAL ASSULT.

31. DEFENDANT NO. 32, ACTED UNDER THE COLOR
OF STATE OR LOCAL LAW, WHEN THE DEFENDANT
TOLD THE PLAINTIFF TO NEVER APPROACH DEFENDANT -
COMPLAINING ABOUT BEING THREATENED OR
SEXUALLY ASSULTED BY HIS OFFICERS', OTHERWISE
THE PLAINTIFF WOULD BE "RAPED."

32. DEFENDANT NO. 33, ACTED UNDER THE COLOR OF
STATE OR LOCAL LAW, WHEN THE DEFENDANT
ESCORTED THE PLAINTIFF TO 12-BLOCK, THE RRU
PROGRAM, AND ASKED THE PLAINTIFF ABOUT
PLAINTIFF'S CLAIMS OF SEXUAL ASSULT WHILE
IN WENDE CORRECTIONAL FACILITY', AND PLAINTIFF
INFORMED THE DEFENDANT THAT DID HAPPEN,
AND PLAINTIFF GAVE NAMES. ABOUT TWENTY
MINUTES OR SO LATER, WHEN THE PLAINTIFF
WAS SECURED IN HIS CELL, AN OFFICER GOT
ON THE INTERCOM, AND BEGAN INFORMING THE
ENTIRE BLOCK THAT THE "PLAINTIFF HAS BEEN
SEXUALLY ASSULTED, AND IF ANYONE WANTS TO
ABUSE THE PLAINTIFF, LET YOUR GALLERY OFFICER

KNOW, AND IT WILL BE ARRANGED.

33. DEFENDANT NO. 34; ACTED UNDER THE COLOR OF STATE OR LOCAL LAW; WHEN THE DEFENDANT VIOLATED THE PLAINTIFF'S PRIVACY, WHEN DEFENDANT HAD THE BUBBLE OFFICER READ ALL ABOUT THE PLAINTIFFS' AREA REPORT, OR THE INTERCOM.

34. DEFENDANT NO. 35; ACTED UNDER THE COLOR OF STATE OR LOCAL LAW; WHEN THE DEFENDANT ASKED A MALE NURSE FOR AN INJURY REPORT, DEALING WITH THE PLAINTIFF BEING SEXUALLY ASSAULTED. THE DEFENDANT THEN TOLD THE MALE NURSE, "THE PLAINTIFF, OR BETTER YET, THIS NIGGER LIKES TO MAKE COMPLAINTS ABOUT DEFENDANT'S CO-WORKERS." DEFENDANT THEN INFORMED THE PLAINTIFF, "YOU ARE MY REC UNTIL THE DAY YOU LEAVE."

35. DEFENDANT NO. 36; ACTED UNDER THE COLOR OF STATE OR LOCAL LAW; WHEN THE DEFENDANT, DURING AN INTERVIEW WITH THE PLAINTIFF, THAT "IF PLAINTIFF CONTINUES TO WRITE LETTERS TO THE SUPERINTENDENT OR THE COMMISSIONER, "BE VERY CAREFUL, NO OFFICER HERE AT FIVE

Points will tolerate anyone making any complaints, about any officer.

36. DEFENDANT NO. 37; ACTING UNDER THE COLOR OF STATE OR LOCAL LAW; WHEN THE DEFENDANT INFORMED THE PLAINTIFF THAT "IF PLAINTIFF CONTINUES TO WRITE LETTERS TO THE COMMISSIONER, PLAINTIFF WILL BE FOUND HUNG!"
37. DEFENDANT NO. 38; ACTED UNDER THE COLOR OF STATE OR LOCAL LAW; WHEN THE DEFENDANT REFUSED TO ALLOW THE PLAINTIFF TO ATTEND MANDATORY CALL-OUTS.
38. DEFENDANT NO. 39; AND DEFENDANT NO. 40; ACTED UNDER THE COLOR OF STATE OR LOCAL LAW; WHEN THE DEFENDANTS INFORMED THE PLAINTIFF, "IF YOU CONTINUE TO WRITE THE SUPERINTENDENT, WE WILL MAKE A CLAIM THAT PLAINTIFF SMACKED BOTH DEFENDANTS ON THE ASS."
39. DEFENDANT NO. 41; ACTED UNDER THE COLOR OF STATE OR LOCAL LAW; WHEN DEFENDANT ASKED THE PLAINTIFF TO SUCK HIS DICK,

40. DEFENDANT NO. 42; ACTED UNDER THE COLOR OF STATE OR LOCAL LAW; WHEN THE DEFENDANT VIOLATED THE PLAINTIFF'S PRIVACY RIGHTS, WHEN THE DEFENDANT TOLD THE ENTIRE 12-BLOCK, THAT THE PLAINTIFF WAS SEXUALLY ABUSED, AND THAT PLAINTIFF IS LOOKING FOR SOMEONE TO RAPE HIM.
41. DEFENDANT NO. 43; ACTED UNDER THE COLOR OF STATE OR LOCAL LAW; WHEN THE DEFENDANT TOLD THE PLAINTIFF THAT, " PLAINTIFF WILL SUCK MY DICK, AND ENJOY IT.
42. DEFENDANT NO. 44; ACTED UNDER THE COLOR OF STATE OR LOCAL LAW; WHEN THE DEFENDANT REFUSED TO GIVE THE PLAINTIFF HIS INJECTION FOR A HERNIA, BY STATING, "SECURITY HAS ADVISED ME TO NOT GIVE THE PLAINTIFF, ANY MEDICAL ASSISTANCE."
43. DEFENDANT NO. 45; ACTED UNDER THE COLOR OF STATE OR LOCAL LAW; WHEN THE DEFENDANT REFUSED TO DO A FOLLOW-UP OF ALL THE COMPLAINTS, THAT THE PLAINTIFF HAD MADE AVAILABLE.
44. DEFENDANT NO. 46; ACTED UNDER THE COLOR OF STATE OR LOCAL LAW; WHEN THE DEFENDANT WAS

THE PLAINTIFF'S CARE-PROVIDER, WHEN THE DEFENDANT REFUSED TO DOCUMENT ALL OF THE PLAINTIFF'S MEDICAL CONCERNS, ESPECIALLY ABOUT THE PLAINTIFF BEING SEXUALLY ABUSED, INTO THE PLAINTIFF'S MEDICAL CHART, BY STATING, "I WILL NOT DOCUMENT THE SEXUAL ASSAULT, OR ANYTHING ELSE, BECAUSE THE PLAINTIFF DESERVED WHAT-EVER HAPPENED!"

III. PRISONER STATUS

INDICATE WHETHER YOU ARE A PRISONER, OR OTHER CONFINED PERSON AS FOLLOWS:

☒ CONVICTED AND SENTENCED STATE PRISONER

IV. STATEMENT OF CLAIM

STATE AS BRIEFLY AS POSSIBLE THE FACTS OF YOUR CASE. DESCRIBE HOW EACH DEFENDANT WAS PERSONALLY INVOLVED IN THE ALLEGED WRONGFUL ACTION, ALONG WITH THE DATES AND LOCATIONS OF ALL RELEVANT EVENTS.

1. ON THE ____ DAY OF NOVEMBER, 2022, THE

Plaintiff was sexually assaulted by Defendant No. 7; and Defendant No. 11; along with Defendant No. 20; Defendant No. 21; and Defendant No. 22; in the RRU at Wende Correctional Facility.

2. ON the 16th DAY OF DECEMBER, 2022, in the Wende Correctional Facility, Plaintiff was sexually harassed by Defendant No. 17; Defendant No. 18; by using the PA system, to identify the Plaintiff, and read the grievance about Plaintiff being sexually abused.
3. ON the 1st DAY OF MARCH, 2023, in the RRU At Wende Correctional Facility, Defendant No. 10, while making rounds, stopped in front of Plaintiff's cell and blew kisses at the Plaintiff.
4. ON the 6th DAY OF MARCH, 2023, Plaintiff sent a letter to Defendant No. 2, informing the Defendant as to what was going on in the Wende Correctional Facility, and listed names of security personnel involved in the sexual

HARASSMENT, AND THREATS. THIS LETTER WENT UNANSWERED.

5. ON THE 7th DAY OF MARCH, 2023; IN THE WENDE CORRECTIONAL FACILITY, PLAINTIFF SENT DEFENDANT NO. 3; A LETTER DESCRIBING ALL THE SEXUAL HARASSMENT, AND THE ATTEMPTED RAPE BY DEFENDANT NO. 7; AND DEFENDANT NO. 11.

6. ON THE 7th DAY OF MARCH, 2023, DEFENDANT NO. 16; WAS IN THE CATWALK BEHIND THE PLAINTIFF'S CELL, IN WENDE CORRECTIONAL FACILITY, BY SPRAYING PEPPER SPAY IN PLAINTIFF'S CELL.

7. ON THE 9th DAY OF MARCH, 2023; PLAINTIFF SENT A GRIEVANCE ABOUT THE SEXUAL HARASSMENT AND THREATS, THAT DEFENDANT NO. 15; WAS SAYING TO PLAINTIFF.

8. ON THE 9th DAY OF MARCH, 2023; PLAINTIFF SENT A LETTER TO DEFENDANT NO. 5; ABOUT THE SEXUAL HARASSMENT, AND HOW PLAINTIFF FEARS FOR HIS LIFE.

9. ON THE 11th DAY OF MARCH, 2023; DEFENDANT

NO. 12; AND DEFENDANT NO. 14; CONTINUED TO MAKE HOMOSEXUAL COMMENTS AND THREATS.

10. ON THE 12th DAY OF MARCH, 2023, PLAINTIFF FILED ANOTHER GRIEVANCE ABOUT DEFENDANT NO. 12; AND DEFENDANT NO. 23; MAKING HOMOSEXUAL HARASSMENTS AND THREATS.
11. ON THE 12th DAY OF MARCH, 2023, PLAINTIFF SENT ANOTHER LETTER TO DEFENDANT NO. 5; ABOUT THE SEXUAL HARASSMENTS, AND THREATS.
12. ON THE 13th DAY OF MARCH, 2023; PLAINTIFF SENT ANOTHER LETTER TO DEFENDANT NO. 5; ASKING FOR HELP, BECAUSE PLAINTIFF WAS IN FEAR FOR HIS LIFE.
13. ON THE 13th DAY OF MARCH, 2023; PLAINTIFF RECEIVED GRIEVANCE NO. WDE-0104-23; AND THE PLAINTIFF WAS ADVISED THAT IT WAS SENT DIRECTLY TO DEFENDANT NO. 5; TO INTERVENE.
14. ON THE 14th DAY OF MARCH, 2023, PLAINTIFF SENT ANOTHER LETTER TO DEFENDANT NO. 5; ABOUT BEING SEXUALLY HARASSED AND BEING THREATENED.

15. ON OR ABOUT THE 15TH DAY OF MARCH, 2023, THE PLAINTIFF RECEIVED A RESPONSE FROM DEFENDANT NO.3, INFORMING THE PLAINTIFF THAT DEFENDANT NO.3, CANNOT INTERVENE, AS IT IS OUT OF THEIR JURISDICTION.
16. ON THE 15TH DAY OF MARCH, 2023; DEFENDANT NO.17, INFORMED THE PLAINTIFF THAT DEFENDANT NO.2, AND THE PLAINTIFF, CAN "EAT MY BLOODY PUSSY."
17. ON THE 16TH DAY OF MARCH, 2023, PLAINTIFF SEND DEFENDANT NO.5; ANOTHER LETTER ABOUT THE THREATS AND HOMOSEXUAL COMMENTS, FROM DEFENDANT NO.12.
18. ON THE 18TH DAY OF MARCH, 2023; THE PLAINTIFF WROTE TO SICK-CALL ABOUT COUGHING UP BLOOD.
19. ON THE 19TH DAY OF MARCH, 2023, PLAINTIFF SENT DEFENDANT NO.2, ANOTHER LETTER, ASKING FOR A RESPONSE ABOUT THE CLAIMS THAT PLAINTIFF HAD FILED.
20. ON THE 18TH DAY OF MARCH, 2023, PLAINTIFF SPOKE WITH DEFENDANT NO.9; PERTAINING TO THE

GRIEVANCES OF HOMOSEXUAL COMMENTS, AND THREATS.

21. On the 20th DAY OF MARCH, 2023; PLAINTIFF SENT OUT ANOTHER SICK-CALL slip ABOUT HAVING SHORTNESS OF BREATH, AND COUGHING UP BLOOD.
22. On the 21st DAY OF MARCH, 2023; PLAINTIFF SENT A LETTER TO DEFENDANT NO. 1; AND HAS YET TO RECEIVE A RESPONSE.
23. On the 21st DAY OF MARCH, 2023; PLAINTIFF SENT ANOTHER GRIEVANCE ABOUT THE THREATS OF VIOLENCE; AND DEFENDANT NO. 18; INFORMED THE PLAINTIFF TO INFORM ALL INDIVIDUALS THAT PLAINTIFF WRITES TO, "CAN EAT MY BLOODY PUSSY."
24. On the 23rd DAY OF MARCH, 2023; DEFENDANT NO. 16; AND DEFENDANT NO. 17; GOT ON THE INTERCOM, IN G-BLOCK OF WENDE CORRECTIONAL FACILITY, AND READ THE PLAINTIFFS ENTIRE FILE ABOUT BEING SEXUALLY ASSAULTED BY DEFENDANT NO. 11.
25. On the 3rd DAY OF APRIL, 2023; PLAINTIFF SENT A LETTER TO DEFENDANT NO. 6; COMPLAINING ABOUT

the homosexual comments and threats being
directed towards Plaintiff

24. On the 4th day of April, 2023, Plaintiff sent a sick-call slip, requesting Defendant No. 19, to document in the Plaintiff's medical chart, that Plaintiff is coughing up blood, and experiencing some dizziness.
27. On the 4th day of April, 2023, Plaintiff sent a letter to Defendant No. 8, requesting to be placed on a mental health call-out.
28. On the 4th day of April, 2023, Plaintiff sent a letter to Defendant No. 6, about threats, homosexual comments, along with racial comments from Defendant No. 13.
29. On the 6th day of April, 2023, Plaintiff was transferred from Wenden Correctional Facility, RRU, to the Five Points Correctional Facility.
30. On the 9th day of April, 2023, Plaintiff sent out a grievance about Defendant No. 34, who

ESCORTED THE PLAINTIFF TO THE SHU; AND WHO ASKED IF PLAINTIFF WAS EVER SEXUALLY ABUSED, AND PLAINTIFF REPLIED "YES." UPON ENTERING THE SHU, DEFENDANT NO. 34, AND DEFENDANT NO. 39, BEGAN INFORMING ALL OTHER OFFICERS, ABOUT HOW THE PLAINTIFF WAS SEXUALLY ABUSED AND ALMOST RAPED BY DEFENDANT NO. 11, AT WENDE CORRECTIONAL FACILITY.

31. ON THE 12th DAY OF APRIL, 2023, THE PLAINTIFF RECEIVED GRIEVANCE NO. FPT-0504-23, ALONG WITH A NOTICE FROM THE I.G.R.C. SUPERVISOR, INFORMING PLAINTIFF THAT "GRIEVANCE ONLY CONTAINED CONCERNS OF SEXUAL ABUSE, SEXUAL HARASSMENT, OR AN UNAUTHORIZED RELATIONSHIP, AND ACCORDINGLY, YOUR GRIEVANCE IS DEEMED EXHAUSTED."

32. ON THE 13th DAY OF APRIL, 2023, PLAINTIFF SENT OUT A GRIEVANCE ABOUT NOT BEING ABLE TO SEE OR SPEAK TO ANY INDIVIDUAL FROM PREA.

33. ON THE 15th DAY OF APRIL, 2023, PLAINTIFF SENT OUT A GRIEVANCE ABOUT BEING THREATENED AND SEXUALLY HARASSED BY DEFENDANT NO. 35;

AND DEFENDANT NO. 39,

34. ON THE 17th DAY OF APRIL, 2023, PLAINTIFF SENT OUT A GRIEVANCE ABOUT NOT BEING FEED HIS RAMADAN MEAL, BY DEFENDANT NO. 40.

35. ON THE 17th DAY OF APRIL, 2023, PLAINTIFF SENT OUT A LETTER TO DEFENDANT NO. 1; ABOUT THE PLAINTIFF BEING THREATENED AND SEXUALLY HARASSED,

36. ON THE 18th DAY OF APRIL, 2023; THE PLAINTIFF RECEIVED ANOTHER RESPONSE FROM I.G.R.C., SUPERVISOR, THAT PLAINTIFF'S CURRENT GRIEVANCE IS EXHAUSTED.

37. ON THE 19th DAY OF APRIL, 2023, THE PLAINTIFF RECEIVED ANOTHER RESPONSE FROM THE I.G.R.C., SUPERVISOR, ALONG WITH GRIEVANCE NO. FPT-0541-23, AGAIN, THE GRIEVANCE IS CONSIDERED EXHAUSTED,

38. ON THE 28th DAY OF APRIL, 2023; PLAINTIFF RECEIVED ANOTHER RESPONSE FROM THE I.G.R.C., SUPERVISOR, ALONG WITH GRIEVANCE NO. FAP-0581-23, AGAIN, THE GRIEVANCE IS CONSIDERED EXHAUSTED,

39. ON THE 1st DAY OF MAY, 2023; THE PLAINTIFF RECEIVED ANOTHER RESPONSE FROM THE I.G.R.C. SUPERVISOR, ALONG WITH GRIEVANCE NO. FPT-0607-23; FPT-0608-23; AND FPT-0609-23; AGAIN, THE GRIEVANCE IS CONSIDERED EXHAUSTED.
40. ON THE 3rd DAY OF MAY, 2023; PLAINTIFF RECEIVED ANOTHER RESPONSE FROM THE I.G.R.C. SUPERVISOR; ALONG WITH GRIEVANCE NO. FPT-0627-23; AND GRIEVANCE NO. FPT-0628-23; AND AGAIN, THE GRIEVANCE IS CONSIDERED EXHAUSTED.
41. ON THE 1st DAY OF JUNE, 2023; PLAINTIFF RECEIVED ANOTHER RESPONSE FROM THE I.G.R.C. SUPERVISOR, ALONG WITH GRIEVANCE NO. FPT-0790-23; AND AGAIN, THE GRIEVANCE IS CONSIDERED TO BE EXHAUSTED.
42. ON THE 7th DAY OF JUNE, 2023; PLAINTIFF RECEIVED ANOTHER RESPONSE FROM THE I.G.R.C. SUPERVISOR, ALONG WITH GRIEVANCE NO. FPT-0803-23; AND AGAIN, THE GRIEVANCE IS CONSIDERED TO BE EXHAUSTED.
43. ON THE 22nd DAY OF JUNE, 2023, PLAINTIFF SENT OUT ANOTHER LETTER TO DEFENDANT NO. 1; ABOUT THE THREATS AND HOMOSEXUAL COMMENTS MADE

TOWARDS THE PLAINTIFF BY DEFENDANT NO. 34.

44. ON THE 3RD DAY OF JULY, 2023; PLAINTIFF RECEIVED ANOTHER RESPONSE FROM THE I.G.R.C. SUPERVISOR, ALONG WITH GRIEVANCE NO. FPT-0959-23; AS WELL AS GRIEVANCE NO. FPT-0990-23; AND AGAIN, GRIEVANCE IS CONSIDERED EXHAUSTED,

45. ON THE 12TH DAY OF JULY, 2023; PLAINTIFF RECEIVED ANOTHER RESPONSE FROM THE I.G.R.C. SUPERVISOR, AS WELL AS GRIEVANCE NO. FPT-0986-23; AND GRIEVANCE NO. FPT-0989-23; AND AGAIN, GRIEVANCE IS CONSIDERED TO BE EXHAUSTED.

46. ON THE 12TH DAY OF JULY, 2023; PLAINTIFF SENT OUT A LETTER TO DEFENDANT NO. 25; ABOUT PLAINTIFF BEING THREATENED WITH BODILY HARM, AS WELL AS SEXUAL HARASSMENT BY DEFENDANT NO. 42; AND DEFENDANT NO. 43.

47. ON THE 19TH DAY OF JULY, 2023; PLAINTIFF SENT OUT ANOTHER LETTER TO DEFENDANT NO. 25; ABOUT THE PLAINTIFF BEING DENIED MEDICAL TREATMENT FROM DEFENDANT NO. 45; AND DEFENDANT NO. 46,

48. ON THE 19th DAY OF JULY, 2023; PLAINTIFF SENT A LETTER TO DEFENDANT NO. 27; ABOUT THE PLAINTIFF BEING DENIED MEDICAL TREATMENT FROM DEFENDANT NO. 45; AND DEFENDANT NO. 46.
49. ON THE 24th DAY OF JULY, 2023; PLAINTIFF RECEIVED A RESPONSE FROM THE I.G.R.C. SUPERVISOR, ALONG WITH GRIEVANCE NO. FPT-1DBD-23; GRIEVANCE NO. FPT-1DBI-23; AND GRIEVANCE NO. FPT-1DBZ-23; AND AGAIN, GRIEVANCES ARE CONSIDERED TO BE EXHAUSTED.
50. ON THE 26th DAY OF JULY, 2023; PLAINTIFF SENT A LETTER TO DEFENDANT NO. 30; ABOUT RETALIATION FROM DEFENDANT NO. 40; THREATENING TO DO BODILY HARM TO PLAINTIFF, FOR FILING GRIEVANCES.
51. ON THE 4th DAY OF OCTOBER, 2023; PLAINTIFF FINALLY GOT A RESPONSE FROM DEFENDANT NO. 1; INFORMING PLAINTIFF TO ADDRESS ALL ISSUES WITH THE APPROPRIATE DEPARTMENT IN FIVE POINTS.
52. ON THE 20th DAY OF DECEMBER, 2023; PLAINTIFF SENT ANOTHER LETTER TO DEFENDANT NO. 1; ABOUT THE FACILITY ADMINISTRATION, NOT RESPONDING

back to the Plaintiff.

53. ON THE 2ND DAY OF JANUARY, 2024, PLAINTIFF RECEIVED A RESPONSE FROM DEFENDANT NO. 4; INFORMING THE PLAINTIFF TO BRING ALL CONCERNS TO THE FIVE POINTS ADMINISTRATION.

54. ON THE 8TH DAY OF JANUARY, 2024, PLAINTIFF SENT LETTER TO DEFENDANT NO. 26; ABOUT THE THREATS FROM DEFENDANT NO. 24; DEFENDANT NO. 31; DEFENDANT NO. 32; AND DEFENDANT NO. 33; WHERE ALL DEFENDANTS ARE THREATENING TO DO BODILY HARM, AND SEXUAL HARM TO PLAINTIFF.

55. ON THE 8TH DAY OF JANUARY, 2024, PLAINTIFF SENT A LETTER TO DEFENDANT NO. 28; ABOUT THE THREATS FROM DEFENDANT NO. 24; DEFENDANT NO. 31; DEFENDANT NO. 32; AND DEFENDANT NO. 33; WHERE ALL DEFENDANTS ARE THREATENING TO DO BODILY AND SEXUAL HARM TO THE PLAINTIFF.

56. ON THE 8TH DAY OF JANUARY, 2024, PLAINTIFF SENT A LETTER TO DEFENDANT NO. 29; ABOUT THE THREATS THAT PLAINTIFF IS RECEIVING FROM DEFENDANT NO. 24; DEFENDANT NO. 31; DEFENDANT NO. 32; AND DEFENDANT

No. 33; WHERE ALL DEFENDANT'S ARE CONTINUING TO THREATEN THE PLAINTIFF WITH BODILY AND SEXUAL HARM TO THE PLAINTIFF.

57. ON THE 19TH DAY OF JANUARY, 2024, PLAINTIFF SENT A LETTER TO DEFENDANT NO. 44; THAT PLAINTIFF IS BEING DENIED MEDICAL CALL-OUTS FROM DEFENDANT NO. 36.

58. ON THE 31ST DAY OF JANUARY, 2024; THE PLAINTIFF WAS TOLD BY DEFENDANT NO. 37; AND DEFENDANT NO. 38; IN 10-BUILDING, THAT IF PLAINTIFF CONTINUES TO SEND OUT GRIEVANCES; THE PLAINTIFF WILL END UP WITH A NEW CHARGE, BECAUSE DEFENDANT NO. 37; AND DEFENDANT NO. 38; WILL SAY THAT PLAINTIFF FLASHED AND/OR SEXUALLY ASSAULTED THEM.

59. ON THE 2ND DAY OF FEBRUARY, 2024; PLAINTIFF RECEIVED ANOTHER RESPONSE FROM THE I.G.R.C. SUPERVISOR, THAT GRIEVANCE NO. FPT-0226-24; AND THAT SAID GRIEVANCE IS CLOSED,

60. ON THE 5TH DAY OF FEBRUARY, 2024; PLAINTIFF RECEIVED A CELL-MATE, WHO WAS TRANSGENDER.

Plaintiff informed all security personnel in ID-block, that the Plaintiff is a muslim, and that transgender individuals are not suppose to be bunked with other incarcerated individuals.

V.

INJURIES

IF YOU SUSTAINED INJURIES RELATED TO THE EVENTS ALLEGED ABOVE, DESCRIBE YOUR INJURIES, AND STATE WHAT MEDICAL TREATMENT, IF ANY, YOU REQUIRED AND DID OR DID NOT RECEIVE?

The Plaintiff was subjected to an unauthorized cavity search; where Defendant No. 11; and Defendant No. 7; forced three (3) fingers into the Plaintiff's anus. Plaintiff suffered physical, mental, and emotional anguish. Also, Plaintiff was denied any type of medical treatment for four (4) months after the incident.

VI

RELIEF

STATE BRIEFLY WHAT YOU WANT THE COURT TO

DO FOR YOU. MAKE NO LEGAL ARGUMENTS. DO NOT CITE ANY CASES OR STATUTES. IF REQUESTING MONEY DAMAGES, INCLUDE THE AMOUNTS OF ANY ACTUAL DAMAGES AND/OR PUNITIVE DAMAGES CLAIMED FOR THE ACTS ALLEGED.?

Plaintiff asks this Court to hold each Defendant liable for their role in the sexual assault, sexual harassment, attempted rape, threats, and racial remarks; that Plaintiff has suffered through more than a year, and still dealing with,

Plaintiff also asks this Court to make the determination of punishment that should be handed out, such as criminal charges, loss of job, etc.

Plaintiff also asks this Court to order the Defendants, to pay a total of three-million dollars (\$3,000,000.00), to the Plaintiff.

VII

EXHAUSTION OF ADMINISTRATIVE REMEDIES, ADMINISTRATIVE PROCEDURES?

ADMINISTRATIVE REMEDIES ARE ALSO KNOWN

AS GRIEVANCE PROCEDURES. YOUR CASE MAY BE
DISMISSED IF YOU HAD NOT EXHAUSTED YOUR
ADMINISTRATIVE REMEDIES?

A. DID YOUR CLAIM ARISE WHILE YOU WERE
CONFINED IN A JAIL, PRISON, OR OTHER
CORRECTIONAL FACILITY? ☒ YES

IF YES, NAME THE JAIL, PRISON, OR OTHER
CORRECTIONAL FACILITY, WHERE YOU WERE
CONFINED AT THE TIME OF THE EVENTS GIVING
RISE TO YOUR CLAIM?

1. WENDE CORRECTIONAL FACILITY;
2. FIVE POINTS CORRECTIONAL FACILITY.

B. DOES THE JAIL, PRISON, OR OTHER CORRECTIONAL
FACILITY, WHERE YOUR CLAIMS AROSE, HAVE
A GRIEVANCE PROCEDURE? ☒ YES

C. DOES THE GRIEVANCE PROCEDURE AT THE JAIL,
PRISON, OR OTHER CORRECTIONAL FACILITY,
WHERE YOUR CLAIM AROSE, COVER SOME OR
ALL OF YOUR CLAIMS? ☒ DO NOT KNOW

D. DID YOU FILE A GRIEVANCE IN THE JAIL, PRISON, OR OTHER CORRECTIONAL FACILITY, WHERE YOUR CLAIMS AROSE, CONCERNING THE FACTS RELATING TO THIS CASE? ☒ YES

E. IF YOU DID FILE A GRIEVANCE:

1. WHERE DID YOU FILE THE GRIEVANCE?

WENDE CORRECTIONAL FACILITY; AND
FIVE POINTS CORRECTIONAL FACILITY.

2. WHAT DID YOU CLAIM IN YOUR GRIEVANCE?

CLAIMS INCLUDED SEXUAL HARASSMENT;
ATTEMPTED RAPE; SEXUAL ABUSE; THREATS;
AND RACIAL HARASSMENT.

3. WHAT WAS THE RESULT, IF ANY?

EVERY GRIEVANCE FILED BY THE PLAINTIFF, WAS
ANSWERED BY THE I.G.R.A. SUPERVISOR, "THE
GRIEVANCE IS CONSIDERED EXHAUSTED."

4. WHAT STEPS, IF ANY, DID YOU TAKE TO APPEAL

THAT DECISION? IS THE GRIEVANCE PROCESS
COMPLETE?

AFTER RECEIVING THE RESPONSE FROM THE I.G.R.C.
SUPERVISOR, PLAINTIFF INFORMED THE GRIEVANCE
SUPERVISOR, TO FORWARD ALL GRIEVANCES TO
C.O.R.C. (CENTRAL OFFICE REVIEW COMMITTEE).

VIII

PREVIOUS LAWSUITS

THE "THREE STRIKES RULE" BARS A PRISONER
FROM BRINGING A CIVIL ACTION OR AN APPEAL IN
FEDERAL COURT WITHOUT PAYING THE FILING
FEE, IF THAT PRISONER HAS "ON THREE OR MORE
OCCASIONS, WHILE INCARCERATED OR DETAINED IN
ANY FACILITY, BROUGHT AN ACTION OR APPEAL
IN A COURT OF THE UNITED STATES THAT WAS
DISMISSED ON THE GROUNDS THAT IT WAS
FRIVOLOUS, MALICIOUS, OR FAILS TO STATE A
CLAIM UPON WHICH RELIEF MAY BE GRANTED,
UNLESS THE PRISONER IS UNDER IMMINENT
DANGER OF SERIOUS PHYSICAL INJURY." 28
U.S.C. § 1915(g).

TO THE BEST OF YOUR KNOWLEDGE, HAVE YOU

HAD A CASE DISMISSED BASED ON THIS "THREE STRIKES RULE?" ☒ NO

A. HAVE YOU FILED OTHER LAWSUITS IN STATE OR FEDERAL COURT DEALING WITH THE SAME FACTS INVOLVED IN THIS ACTION? ☒ NO

B. HAVE YOU FILED OTHER LAWSUITS IN STATE OR FEDERAL COURT OTHERWISE RELATING TO THE CONDITIONS OF YOUR IMPRISONMENT? ☒ NO

IX. CERTIFICATION AND CLOSING

UNDER FEDERAL RULE OF CIVIL PROCEDURE 11, BY SIGNING BELOW, I CERTIFY TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF THAT THIS COMPLAINT: (1) IS NOT BEING PRESENTED FOR AN IMPROPER PURPOSE, SUCH AS TO HARASS, CAUSE UNNECESSARY DELAY, OR NEEDLESSLY INCREASE THE COST OF LITIGATION; (2) IS SUPPORTED BY EXISTING LAW OR NONFRIVOLOUS ARGUMENT FOR EXTENDING, MODIFYING, OR REVERSING EXISTING LAW; (3) THE FACTUAL CONTENTIONS HAVE EVIDENTIARY SUPPORT OR, IF

SPECIFICALLY SO IDENTIFIED, WILL LIKELY
HAVE EVIDENTIARY SUPPORT AFTER A
REASONABLE OPPORTUNITY FOR FURTHER
INVESTIGATION OR DISCOVERY; (4) THE
COMPLAINT OTHERWISE COMPLIES WITH
THE REQUIREMENTS OF RULE 11.

A. FOR PARTIES WITHOUT AN ATTORNEY

I AGREE TO PROVIDE THE CLERK'S OFFICE WITH
ANY CHANGES TO MY ADDRESS, WHERE CASE-RELATED
PAPERS MAY BE SERVED, I UNDERSTAND THAT
MY FAILURE TO KEEP A CURRENT ADDRESS ON
FILE WITH THE CLERK'S OFFICE, MAY RESULT
IN THE DISMISSAL OF MY CASE.

DATE OF SIGNING: FEBRUARY 19, 2024

Jesse James
JESSE JAMES
16-A-2985
FIVE POINTS CORRECTIONAL FACILITY
STATE ROUTE 96, P.O. BOX 119
ROMULUS, NEW YORK 14541

CIVIL COVER SHEET 24-cv-00168-JLS

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Jesse James

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

Daniel Martuscello III, et al.

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input checked="" type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

VI. CAUSE OF ACTION

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

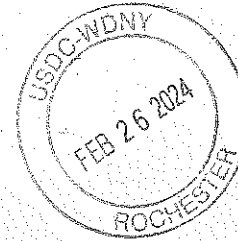
AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

FIVE POINTS CORRECTIONAL FACILITY
STATE ROUTE 96, P.O. BOX 119
ROMULUS, NEW YORK 14541



CLERK
KENNETH B. KEATING FEDERAL BUILDING
U.S. COURTHOUSE
100 STATE STREET
ROCHESTER, NEW YORK 14614-1387

Five Points Correctional
Facility
Legal Mail Only